

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CR 24-89 JW8 / LIB

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

18 U.S.C. § 2252A(a)(5)(B)

18 U.S.C. § 2252A(b)(2)

v.

18 U.S.C. § 2253

21 U.S.C. § 853(p)

JOHN DAVID DEGELAU,

Defendant.

THE UNITED STATES GRAND JURY CHARGES THAT:

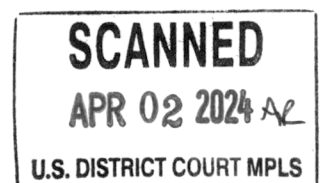
COUNT 1
(Possession of Child Pornography)

On or about March 8, 2023, in the State and District of Minnesota, the defendant,

JOHN DAVID DEGELAU,

knowingly possessed any material, namely, an external hard drive, that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), involving a prepubescent minor who had not attained 12 years of age, and such image had had been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, or was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, to wit:

- a) A digital image file depicting a naked prepubescent male except for a pair of jeans that have been pulled down to his knees, approximately 10 to 12 years old, and a naked pubescent male, approximately 13 to 15 years old, together on a bed. Both juvenile males are laying on their sides with their chests facing each other with their heads are located at each other's genital region. Both juvenile males are performing oral sex on each other;



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- b) A video file approximately 13 seconds in length depicting a naked prepubescent male, approximately 9 to 11 years old, sitting on the floor with his legs spread apart as he masturbates his erect penis;
- c) A digital image file depicting a shirtless pubescent male, approximately 13 to 15 years old, on a bed. A naked adult man, who can be seen from the waist down, is also on the bed. The file shows the child performing oral sex on an adult man; and
- d) A digital image file depicting a prepubescent female, approximately 8 to 10 years old, on the floor with the focus of the image on the prepubescent female's genital area. The child is wearing a t-shirt that is pulled up to her chest area and is naked from the waist down. The child has her legs spread apart and is using her fingers to expose her vaginal area to the camera.

all in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 2

(Possession and Attempted Possession of Child Pornography)

On or about March 8, 2023, in the State and District of Minnesota, the defendant,

JOHN DAVID DEGELAU,

attempted to and knowingly possessed any material, namely, a cellular telephone, that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, to wit:

- a) A digital image file that has been modified or morphed to place the torso and head of a juvenile male, Minor Victim 1 who was approximately 12 years old at the time, onto the head of a naked pubescent male kneeling on a blanket exposing his erect penis. The defendant modified or morphed what appear to be his penis into the image, making his penis penetrate the anus of the child;

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- b) A digital image file that has been modified or morphed to place the torso and head of a juvenile male, Minor Victim 2 who was approximately 14 years old at the time, onto the head of a naked pubescent male kneeling on a blanket exposing his erect penis. The defendant modified or morphed what appear to be his penis into the image, making his penis penetrate the anus of the child;
- c) A digital image file that has been modified or morphed to place the head of a juvenile male, Minor Victim 3 who was approximately 16 years old at the time, onto the head of a pubescent male sitting on a bathroom floor naked from the waist down. The pubescent male has his knees bent and legs spread apart exposing his genital and anal area which are the focus of the image. The defendant modified or morphed what appear to be his own genitals into the image, making his penis penetrate the anus of the child;
- d) A digital image file that has been modified or morphed to place the head of a juvenile male, Minor Victim 4 who was approximately 14 years old at the time, onto the head of a naked pubescent male laying on a black plastic sheet. The pubescent male has hands on his stomach and his knees bend, with his legs slightly apart exposing his genitals. The defendant modified or morphed what appear to be his own genitals into the image, making his penis penetrate the anus of the child; and

all in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATIONS

If convicted of the offenses alleged in Counts 1 and 2 of this Indictment, Defendant John David Degelau shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253(a):

(1) any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18, United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110 of Title 18, United States Code;

(2) any property, real or personal, constituting or traceable to gross profits or

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other proceeds obtained from such offenses; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property, including but not limited to the following property:

(a) Apple iPhone 12 Pro Max, IMEI: 354860893307446;

(b) Toshiba DTX120 2TB External Hard Drive, Serial No.:
X015T0PCTRRG;

(c) Apple MacBook Pro A2141, Serial No.: C02DQ1Y8MD6R; and

(d) Black Canon EOS Camera, Model DS126721, with a 32GB SanDisk
Ultra SD Card.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON